Supreme Court, U. S.
FILED
JUL 21 1980
MICHAEL RODAK, JR., CLERK

NO. 79-1410

In the Supreme Court of the United States

OCTOBER TERM, 1979

JOHN A. DUPART &
REGINALD ADAMS.

Petitioners

versus

STATE OF LOUISIANA,

Respondent

ON PETITION FOR A WRIT OF CERTIORARI
TO THE SUPREME COURT OF THE
STATE OF LOUISIANA

SUPPLEMENTAL JURISDICTIONAL STATEMENT

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STATE OF LOUISIANA,

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PETITION FOR A WRIT OF CERTIORARI TO SUPREME COURT OF THE STATE OF LOUISIANA

JOHN A. DUPART and REGINALD ADAMS, petitioners herein pray that a writ of certiorari issue to review the judgment entered in this criminal case on November 12, 1979 and made final on December 13, 1979 by the Supreme Court of the State of Louisiana, dissenting opinion, May 23, 1980.

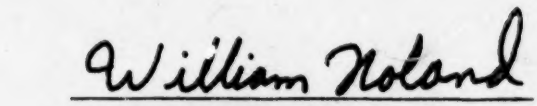
OPINIONS OF THE COURT BELOW

The opinion of the Supreme Court of the State of Louisiana, excluding the May 23, 1980 dissenting opinion, appears in the Appendix of the original writ application. The May 23, 1980 dissenting opinion appears in the appendix hereto.

JURISDICTION OF THE SUPREME COURT

The judgment of the Supreme Court of the State of Louisiana was entered on November 12, 1979. Petitioners' timely application for a rehearing was denied on December 13, 1979. The dissenting opinion of Justice Dennis was entered on May 23, 1980. Title 28, United States Code, Section 1257 (3) confers jurisdiction on this Court to review the judgment in question by a writ of ceritorari.

RESPECTFULLY SUBMITTED,



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CERTIFICATE OF SERVICE

I hereby certify that the foregoing supplemental jurisdictional statement has been served upon the State of Louisiana by placing the appropriate number of copies of same in the U. S. Mail, postage prepaid, addressed to ABBOTT J. REEVES, Assistant District Attorney for the Parish of Jefferson, State of Louisiana, at Research & Appeals, 419 Derbigny Street, Gretna, Louisiana 70053 on the 18th day of July, 1980.

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APPENDIX A

MAY 23, 1980

SUPREME COURT OF LOUISIANA
NO. 64,767

STATE OF LOUISIANA
VERSUS
JOHN A. DUPART AND REGINALD ADAMS

DENNIS, Justice, dissenting.

I respectfully dissent. The police officer did not have reasonable grounds to make the initial stop of the vehicle from which the evidence was seized. The motion to suppress, therefore, should have been granted.

In State v. Saia, 302 So.2d 869 (La. 1974), this Court held that the police did not have "probable cause to arrest the individual or reasonable grounds to detain the individual" at p. 873, when the defendant Saia was seen leaving a residence which was a known drug outlet and turned to walk away when the police pulled up beside her in their police car. The facts in this case mandate the same result. The officer's only articulable reasons for stopping the car were that it was going at a slow rate of speed and it was relatively near the place where

the burglary occurred. This was not sufficient to warrant the initial stop of the vehicle.

The majority opinion states: "Moreover, defendants' conduct after the officer turned on his red light and sounded his horn was consistent with one who had just committed a crime. Defendants' attempt to escape and their activities in the car increased the officer's suspicion that the burglars were in the car. Clearly, the officer had reasonable cause to make an investigatory stop of the vehicle and to question the defendants." Slip opinion at p. 3. In *Saia*, it was noted that once the officers caught the defendant and then saw the glassine envelope that they had probable cause to arrest. The evidence was held inadmissible, however, because of their initial actions in approaching Saia "under circumstances that [made] it seem that some form of detention [was] imminent" at p. 873, was not held to be a reasonable stop. In the instant case it may be true that once the car was stopped and the officer saw the jewelry in the car, he had probable cause to arrest. As in *Saia*, however, the officer did not have reasonable grounds to make the initial stop. The initial stop being illegal, the evidence seized as a result should not have been admitted at trial.

* * * *